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TAGS: [AORC](#) [PREL](#) [ICJ](#) [KV](#) [GM](#)
SUBJECT: GERMANY TO SPEAK AT ICJ IN DECEMBER, PRESSES
EULEX-SERBIA POLICE AGREEMENT

REF: STATE 90199

Classified By: Political M/C George Glass for reasons 1/4 (b/d)

¶1. (C) In response to reftel demarche, on September 8 MFA Balkans Deputy Director Marc Bogdahn confirmed that Germany will present oral arguments at the ICJ in December. However, Germany has not encouraged -- and has no plans to encourage -- other countries to do so. Though Germany had previously demarched countries in favor of written opinions to the ICJ, Bogdahn said that oral presentations could go awry if the speaker lacked a firm understanding of the legal arguments at play. As a result, Germany preferred to leave oral presentations to countries that fully understood the situation. Bogdahn further argued that these countries would be self-selecting in the decision whether or not to participate in the December ICJ session.

¶2. (C) Poloff underscored the reftel offer by USG experts to review third-country statements beforehand. However, Bogdahn said Germany preferred to let countries with a proven track-record on Kosovo make the decision for themselves. He added that it would be unhelpful for just any nation to make a statement unless the presentation was particularly compelling. Bogdahn said his office had received no notification from German missions abroad regarding joint demarche requests by the U.S. -- as suggested in reftel.

EULEX-Serbia Agreement

¶3. (C) Separately, Bogdahn lamented Kosovo's opposition to the EULEX-Serbia agreement on police cooperation. Bogdahn insisted that the EU was "completely united" in favor of the agreement and that the program would go forward. As a result, he said that Kosovar officials were simply undermining their own public standing by opposing it so vociferously. The Kosovar government, he said, would be well-advised not to oppose the protocol -- at least not publicly. In order to help the Kosovars save face, Bogdahn said EULEX might forego a formal signing of the agreement and simply let it enter into force under existing authority.
Murphy